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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al.,

Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:20-cv-08570-JD

Hon. James Donato

DECLARATION OF YAVAR BATHAE
IN SUPPORT OF ADVERTISER
PLAINTIFFS' OPPOSITION TO
DEFENDANT META PLATFORMS,
INC.'S MOTION FOR SUMMARY
JUDGMENT

Hearing Date: To Be Determined
Hearing Time: To Be Determined

1 I, Yavar Bathaee, declare as follows:

2 1. I am an attorney admitted to practice in the United States District Court for the
3 Northern District of California as well as in the highest courts of New York and California, among
4 other jurisdictions. I am a partner at Bathaee Dunne LLP and co-lead counsel for the Advertiser
5 Plaintiffs and proposed classes in the above-captioned matter. I submit this declaration in support of
6 Plaintiff's Opposition to Defendant Meta Platforms, Inc.'s Motion for Summary Judgment.

7 2. Attached hereto as **Exhibit 8** is a true and correct copy of certain excerpts of Meta's
8 Deposition of Advertisers' expert Michael Williams, dated June 12, 2024.

9 3. Attached hereto as **Exhibit 9** is a true and correct copy of a document produced by
10 Meta in this litigation bearing the Bates-stamp PALM-003715500.

11 4. Attached hereto as **Exhibit 10** is a true and correct copy of a document produced by
12 Meta in this litigation bearing the Bates-stamp PALM-002013980.

13 5. Attached hereto as **Exhibit 11** is a true and correct copy of a document produced by
14 Meta in this litigation bearing the Bates-stamp PALM-014096958.

15 6. Attached hereto as **Exhibit 12** is a true and correct copy of a document produced by
16 Meta in this litigation bearing the Bates-stamp PALM-006148514.

17 7. Attached hereto as **Exhibit 13** is a true and correct copy of a document produced by
18 Meta in this litigation bearing the Bates-stamp PALM-011630850 and marked Plaintiffs' Exhibit
19 2857.

20 8. Attached hereto as **Exhibit 14** is a true and correct copy of a document produced by
21 Meta in this litigation bearing the Bates-stamp PALM-010629831 and marked Plaintiffs' Exhibit 414.

22 9. Attached hereto as **Exhibit 15** is a true and correct copy of a document produced by
23 Meta in this litigation bearing the Bates-stamp PALM-012863799 and marked Plaintiffs' Exhibit
24 2256.

25 10. Attached hereto as **Exhibit 16** is a true and correct copy of a document produced by
26 Meta in this litigation bearing the Bates-stamp PALM-012991649 and marked Plaintiffs' Exhibit
27 2991.

28

1 11. Attached hereto as **Exhibit 17** is a true and correct copy of a document produced by
2 Meta in this litigation bearing the Bates-stamp PALM-011683732 and marked Plaintiffs' Exhibit 26.

3 12. Attached hereto as **Exhibit 18** is a true and correct copy of a document produced by
4 Meta in this litigation bearing the Bates-stamp PALM-016564834 and marked Plaintiffs' Exhibit
5 2255.

6 13. Attached hereto as **Exhibit 19** is a true and correct copy of a document produced by
7 Meta in this litigation bearing the Bates-stamp PALM-005538382 and marked Plaintiffs' Exhibit
8 2984.

9 14. Attached hereto as **Exhibit 20** is a true and correct copy of a document produced by
10 Meta in this litigation bearing the Bates-stamp PALM-004966274 and marked Plaintiffs' Exhibit
11 2861.

12 15. Attached hereto as **Exhibit 21** is a true and correct copy of a document produced by
13 Meta in this litigation bearing the Bates-stamp PALM-004966275 and marked Plaintiffs' Exhibit
14 2862.

15 16. Attached hereto as **Exhibit 22** is a true and correct copy of a document produced by
16 Snap Inc. ("Snap") in this litigation bearing the Bates-stamp SNAP – FTC – No. 191-0134 –
17 0000051023.

18 17. Attached hereto as **Exhibit 23** is a true and correct copy of certain excerpts of the
19 Deposition of David Levenson, dated May 10, 2023.

20 18. Attached hereto as **Exhibit 24** is a true and correct copy of a document produced by
21 Meta in this litigation bearing the Bates-stamp PALM-014640328 and marked Plaintiffs' Exhibit 557.

22 19. Attached hereto as **Exhibit 25** is a true and correct copy of a document produced by
23 Meta in this litigation bearing the Bates-stamp PALM-009631966 and marked Plaintiffs' Exhibit 556.

24 20. Attached hereto as **Exhibit 26** is a true and correct copy of a document produced by
25 Meta in this litigation bearing the Bates-stamp PALM-012215990.

26 21. Attached hereto as **Exhibit 27** is a true and correct copy of certain excerpts from the
27 Deposition of Sagee Ben-Zedeff, dated May 10, 2023.

22. Attached hereto as **Exhibit 28** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-012927762.

23. Attached hereto as **Exhibit 29** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-012927516 and marked Plaintiffs' Exhibit 116.

24. Attached hereto as **Exhibit 30** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-012154501.

25. Attached hereto as **Exhibit 31** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-016924589.

26. Attached hereto as **Exhibit 32** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-016606121 and marked Plaintiffs' Exhibit 2215.

27. Attached hereto as **Exhibit 33** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-016895582 and marked Plaintiffs' Exhibit 1709.

28. Attached hereto as **Exhibit 34** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-017114236 and marked Plaintiffs' Exhibit 1747.

29. Attached hereto as **Exhibit 35** is a true and correct copy of a document produced by Netflix in this litigation bearing the Bates-stamp PALM-004290112 and marked Plaintiffs' Exhibit 2858.

30. Attached hereto as **Exhibit 36** is a true and correct copy of a document produced by Netflix in this litigation bearing the Bates-stamp PALM-008758432 and marked Plaintiffs' Exhibit 2989.

31. Attached hereto as **Exhibit 37** is a true and correct copy of the Declaration of Shalev Hudio in Support of Motion to Dismiss, Docket No. 45-11, dated April 2, 2020, from the case docket of *WhatsApp et al. v. NSO Group Technologies Ltd., et al.*, No. 4:19-cv-07123-PJH (N.D. Cal.).

32. Attached hereto as **Exhibit 38** is a true and correct copy of a true and correct copy of

1 certain excerpts from the Federal Trade Commission's Deposition of Jacob Andreou, dated May 3,
2 2023, and certain excerpts from the *Klein* Plaintiffs' Deposition of Jacob Andreou, dated May 3,
3 2023.

4 33. Attached hereto as ***Exhibit 39*** is a true and correct copy of an excerpt from Advertiser
5 Plaintiffs' Responses and Objections to Defendant Meta Platforms, Inc.'s Fifth Set of Interrogatories
6 to Advertiser Plaintiffs, dated June 20, 2023.

7 34. Attached hereto as ***Exhibit 40*** is a true and correct copy of a document produced by
8 Meta in this litigation bearing the Bates-stamp PALM-009577689.

9 35. Attached hereto as ***Exhibit 41*** is a true and correct copy of a document produced by
10 Meta in this litigation bearing the Bates-stamp PALM-006466490.

11 36. Attached hereto as ***Exhibit 42*** is a true and correct copy of a document produced by
12 Meta in this litigation bearing the Bates-stamp PALM-006466493.

13 37. Attached hereto as ***Exhibit 43*** is a true and correct copy of a document produced by
14 Meta in this litigation bearing the Bates-stamp PALM-006466512.

15 38. Attached hereto as ***Exhibit 44*** is a true and correct copy of a document produced by
16 Meta in this litigation bearing the Bates-stamp PALM-006466516.

17 39. Attached hereto as ***Exhibit 45*** is a true and correct copy of a document produced by
18 Meta in this litigation bearing the Bates-stamp PALM-006466536.

19 40. Attached hereto as ***Exhibit 46*** is a true and correct copy of a document produced by
20 Meta in this litigation bearing the Bates-stamp PALM-006466542.

21 41. Attached hereto as ***Exhibit 47*** is a true and correct copy of a document produced by
22 Meta in this litigation bearing the Bates-stamp PALM-008914337.

23 42. Attached hereto as ***Exhibit 48*** is a true and correct copy of a document produced by
24 Meta in this litigation bearing the Bates-stamp PALM-FTC-00247120.

25 43. Attached hereto as ***Exhibit 49*** is a true and correct copy of a document produced by
26 Meta in this litigation bearing the Bates-stamp PALM-002014449.

27 44. Attached hereto as ***Exhibit 50*** is a true and correct copy of a document produced by
28

Meta in this litigation bearing the Bates-stamp PALM-008914013.

45. Attached hereto as **Exhibit 51** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-008913595.

46. Attached hereto as **Exhibit 52** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-008913597.

47. Attached hereto as **Exhibit 53** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-008913870.

48. Attached hereto as **Exhibit 54** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-008913871.

49. Attached hereto as **Exhibit 55** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-008913874.

50. Attached hereto as **Exhibit 56** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-008913898.

51. Attached hereto as **Exhibit 57** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-002014487.

52. Attached hereto as **Exhibit 58** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-004952173.

53. Attached hereto as **Exhibit 59** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-000179225.

54. Attached hereto as **Exhibit 60** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-FTC-00246387.

55. Attached hereto as **Exhibit 61** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-004839673 and marked Plaintiffs' Exhibit 1322.

56. Attached hereto as **Exhibit 62** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-FTC-00123557.

57. Attached hereto as **Exhibit 63** is a true and correct copy of a document produced by

Meta in this litigation bearing the Bates-stamp PALM-012438844.

58. Attached hereto as **Exhibit 64** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-002014263.

59. Attached hereto as **Exhibit 65** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-ADI-0001000836.

60. Attached hereto as **Exhibit 66** is a true and correct copy of certain excerpts of the Deposition of Jacqueline Chang, dated April 25, 2023.

61. Attached hereto as **Exhibit 67** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-014453465.

62. Attached hereto as **Exhibit 68** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-014466582 and marked Plaintiffs' Exhibit 1709.

63. Attached hereto as **Exhibit 69** is a true and correct copy of excerpts from page 237-38 of the Deposition of Stephanie Wang, dated March 28, 2023.

64. Attached hereto as **Exhibit 70** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-014459701 and marked Plaintiffs' Exhibit 1295.

65. Attached hereto as **Exhibit 71** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-013460550.

66. Attached hereto as **Exhibit 72** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-003435349 and marked Plaintiffs' Exhibit 1711.

67. Attached hereto as **Exhibit 73** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-016506616 and marked Plaintiffs' Exhibit 1712.

68. Attached hereto as **Exhibit 74** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM- 003251883 and marked Plaintiffs' Exhibit

1 1922.

2 69. Attached hereto as **Exhibit 75** is a true and correct copy of a document produced by
3 Meta in this litigation bearing the Bates-stamp PALM- 006209593 and marked Plaintiffs' Exhibit
4 1921.

5 70. Attached hereto as **Exhibit 76** is a true and correct copy of a document produced by
6 Google in this litigation bearing the Bates-stamp GOOG-META-01836744 and marked Plaintiffs'
7 Exhibit 1263.

8 71. Attached hereto as **Exhibit 77** is a true and correct copy of a document produced by
9 Google in this litigation bearing the Bates-stamp PALM-013762328 and marked Plaintiffs' Exhibit
10 183.

11 72. Attached hereto as **Exhibit 78** is a true and correct copy of excerpts from pages 207-
12 08 and 221 of the Deposition of Stephanie Wang, dated March 28, 2023.

13 73. Attached hereto as **Exhibit 79** is a true and correct copy of a document produced by
14 Google in this litigation bearing the Bates-stamp GOOG-META-01853076 and marked Plaintiffs'
15 Exhibit 1267.

16 74. Attached hereto as **Exhibit 80** is a true and correct copy of a document produced by
17 Google in this litigation bearing the Bates-stamp GOOG-META-02833187 and marked Plaintiffs'
18 Exhibit 1269.

19 75. Attached hereto as **Exhibit 81** is a true and correct copy of a document produced by
20 Meta in this litigation bearing the Bates-stamp PALM-011831146.

21 76. Attached hereto as **Exhibit 82** is a true and correct copy of a document produced by
22 Meta in this litigation bearing the Bates-stamp PALM-006289050.

23 77. Attached hereto as **Exhibit 83** is a true and correct copy of a document produced by
24 Meta in this litigation bearing the Bates-stamp PALM-016986654.

25 78. Attached hereto as **Exhibit 84** is a true and correct copy of a document produced by
26 Meta in this litigation bearing the Bates-stamp PALM-008174450 and marked Plaintiffs' Exhibit 608.

27 79. Attached hereto as **Exhibit 85** is a true and correct copy of a document produced by
28

1 Netflix in this litigation bearing the Bates-stamp NFLX-001590 and marked Plaintiffs' Exhibit 607.

2 80. Attached hereto as **Exhibit 86** is a true and correct copy of a document produced by
3 Meta in this litigation bearing the Bates-stamp PALM-003040610.

4 81. Attached hereto as **Exhibit 87** is a true and correct copy of a document produced by
5 Meta in this litigation bearing the Bates-stamp PALM-006842466.

6 82. Attached hereto as **Exhibit 88** is a true and correct copy of a document produced by
7 Netflix in this litigation bearing the Bates-stamp NFLX-001586 and marked Plaintiffs' Exhibit 614.

8 83. Attached hereto as **Exhibit 89** is a true and correct copy of a document produced by
9 Netflix in this litigation bearing the Bates-stamp NFLX-001583 and marked Plaintiffs' Exhibit 605.

10 84. Attached hereto as **Exhibit 90** is a true and correct copy of a document produced by
11 Meta in this litigation bearing the Bates-stamp PALM-003207836 and marked Plaintiffs' Exhibit 606.

12 85. Attached hereto as **Exhibit 91** is a true and correct copy of a document produced by
13 Meta in this litigation bearing the Bates-stamp PALM-016919272.

14 86. Attached hereto as **Exhibit 92** is a true and correct copy of a document produced by
15 Meta in this litigation bearing the Bates-stamp PALM-013499085.

16 87. Attached hereto as **Exhibit 93** is a true and correct copy of a document produced by
17 Meta in this litigation bearing the Bates-stamp PALM-003130963.

18 88. Attached hereto as **Exhibit 94** is a true and correct copy of a document produced by
19 Meta in this litigation bearing the Bates-stamp PALM-008530029.

20 89. Attached hereto as **Exhibit 95** is a true and correct copy of a document produced by
21 Meta in this litigation bearing the Bates-stamp PALM-014546138 and marked Plaintiffs' Exhibit 412.

22 90. Attached hereto as **Exhibit 96** is a true and correct copy of a document produced by
23 Meta in this litigation bearing the Bates-stamp PALM-012193982 and marked Plaintiffs' Exhibit
24 1926.

25 91. Attached hereto as **Exhibit 97** is a true and correct copy of a document produced by
26 Meta in this litigation bearing the Bates-stamp PALM-012215990.

27 92. Attached hereto as **Exhibit 98** is a true and correct copy of a document produced by
28

Meta in this litigation bearing the Bates-stamp PALM-005605669.

93. Attached hereto as **Exhibit 99** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-010434436.

94. Attached hereto as **Exhibit 100** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-014317772 and marked Plaintiffs' Exhibit 119.

95. Attached hereto as **Exhibit 101** is a true and correct copy of certain excerpts of the Deposition of Jay Parikh, dated March 9, 2023.

96. Attached hereto as **Exhibit 102** is a true and correct copy of Meta Platforms, Inc.'s Supplemental Objections and Responses to Advertiser Plaintiffs' First Set of Requests for Admission (Nos. 3 and 4).

97. Attached hereto as **Exhibit 103** is a true and correct copy of certain excerpts of the Deposition of Tilman Klumpp, dated March 5, 2024.

98. Attached hereto as **Exhibit 104** is a true and correct copy of certain excerpts of the Deposition of Markus Jakobsson, dated February 22, 2024.

99. Attached hereto as **Exhibit 105** is a true and correct copy of a letter from Brian Dunne to Sonal Mehta, dated May 13, 2023.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 29, 2025, in Sherman, Texas.

/s/ Yavar Bathaee

Yavar Bathaee

EXHIBITS 8-105
[FILED UNDER SEAL]